IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ESTATE OF ARMENTIA CHATMON, a/k/a ARMENTER CHATMON, p/k/a "BO CARTER" or "BO CHATMON" **Plaintiff,** **v.** **WARNER MUSIC GROUP CORP., SONY/ATV MUSIC PUBLISHING, EMI MILLS MUSIC, INC., RHINO ENTERTAINMENT COMPANY, d/b/a RHINO RECORDS, VIACOM, INC., d/b/a VIACOM INTERNATIONAL, INC., FOLKWAYS MUSIC PUBLISHERS, INC., HAL LEONARD LLC, J.W. PEPPER & SONS, INC., ERIC CLAPTON, AND JOHN DOE NOS. 1-10.**	)	**No. 3:16-cv-02722** **Judge Waverly Crenshaw** **Mag. Judge Barbara Holmes**

J.W. PEPPER & SON, INC.'S
MOTION TO DISMISS UNDER RULES 12(b)(2) and 12(b)(3)

J.W. Pepper & Son, Inc.[1] ("Pepper") respectfully Moves to Dismiss under Rules 12(b)(2) and 12(b)(3). As set forth in the contemporaneously-filed Memorandum of Law and as supported by Declaration of Lee Paynter, the COO at Pepper, the only connection to this Judicial District is the location of Plaintiff's counsel. Plaintiff cannot satisfy its burden of proving that the Court has jurisdiction over Pepper. Accordingly, the Court should dismiss the case against Pepper for lack of personal jurisdiction under Rule 12(b)(2).

Similarly, Plaintiff cannot carry its burden of proving that venue in this District is proper. Venue must be proper as to each defendant. Here the Complaint does not allege any facts that support venue as to Pepper: Pepper does not reside here and the Complaint fails to

[1] Improperly identified in the Caption and the Complaint as J.W. Pepper & Sons, Inc.

allege that a substantial part of the events/omissions giving rise to Plaintiff's claims occurred here. Accordingly, the Court should also dismiss the Complaint against Pepper for improper venue.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that I served a copy of the foregoing document, on February 2, 2017, via ECF, on:

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